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3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 Mert Duymayan,

7 Plaintiff,

8 v.

9 Bank of America,

10 Defendant.

Case No. 2:25-cv-00248-GMN-DJA

11 **Order**

12 Pro se Plaintiff Mert Duymayan filed an application to proceed *in forma pauperis*. (ECF
13 No. 1). However, Plaintiff's application is missing certain information. The Court thus denies
14 Plaintiff's application without prejudice.

15 **I. Discussion.**

16 Under 28 U.S.C. § 1915(a)(1), a plaintiff may bring a civil action "without prepayment of
17 fees or security therefor" if the plaintiff submits a financial affidavit that demonstrates the
18 plaintiff "is unable to pay such fees or give security therefor." The Ninth Circuit has recognized
19 that "there is no formula set forth by statute, regulation, or case law to determine when someone
20 is poor enough to earn [*in forma pauperis*] status." *Escobedo v. Applebees*, 787 F.3d 1226, 1235
21 (9th Cir. 2015). An applicant need not be destitute to qualify for a waiver of costs and fees, but
22 he must demonstrate that because of his poverty he cannot pay those costs and still provide
23 himself with the necessities of life. *Adkins v. E.I DuPont de Nemours & Co.*, 335 U.S. 331, 339
(1948).

24 The applicant's affidavit must state the facts regarding the individual's poverty "with
25 some particularity, definiteness and certainty." *United States v. McQuade*, 647 F.2d 938, 940
26 (9th Cir. 1981) (citation omitted). If an individual is unable or unwilling to verify his or her
27 poverty, district courts have the discretion to make a factual inquiry into a plaintiff's financial
28 status and to deny a request to proceed *in forma pauperis*. See, e.g., *Marin v. Hahn*, 271

1 Fed.Appx. 578 (9th Cir. 2008) (finding that the district court did not abuse its discretion by
2 denying the plaintiff's request to proceed *in forma pauperis* because he "failed to verify his
3 poverty adequately"). "Such affidavit must include a complete statement of the plaintiff's
4 personal assets." *Harper v. San Diego City Admin. Bldg.*, No. 16-cv-00768 AJB (BLM), 2016
5 U.S. Dist. LEXIS 192145, at *1 (S.D. Cal. June 9, 2016). Misrepresentation of assets is sufficient
6 grounds for denying an *in forma pauperis* application. *Cf. Kennedy v. Huibregtse*, 831 F.3d 441,
7 443-44 (7th Cir. 2016) (affirming dismissal with prejudice after litigant misrepresented assets on
8 *in forma pauperis* application).

9 Plaintiff's application contains contradictory information because he claims to make no
10 money from employment or any other source, but asserts that he pays \$1,100 in rent, utilities, and
11 insurance each month. It is not clear how Plaintiff pays these bills given his assertion to make no
12 money from any source. Given these contradictions, the Court cannot determine whether Plaintiff
13 qualifies for *in forma pauperis* status. The Court will give Plaintiff one opportunity to file a
14 complete *in forma pauperis* application. The Court further orders that Plaintiff may not respond
15 with a zero or "not applicable" in response to any question without providing an explanation for
16 each of the questions. Plaintiff also may not leave any questions blank. Plaintiff must describe
17 each source of money that he receives, state the amount he received, and what he expects to
18 receive in the future.

19 The Court denies Plaintiff's *in forma pauperis* application without prejudice. The Court
20 gives Plaintiff 30 days to file an updated application. Plaintiff must fully answer all applicable
21 questions and check all applicable boxes. Plaintiff may alternatively pay the filing fee in full.
22 Since the Court denies Plaintiff's application, it does not screen the complaint at this time.

23
24 **IT IS THEREFORE ORDERED** that Plaintiff's application to proceed *in forma*
25 *pauperis* (ECF No. 1) is **denied without prejudice**.

26 **IT IS FURTHER ORDERED** that Plaintiff has until **April 21, 2025**, to file an updated
27 application to proceed *in forma pauperis* as specified in this order or pay the filing fee. Failure to
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1 timely comply with this order may result in a recommendation to the district judge that this case
2 be dismissed.

3 **IT IS FURTHER ORDERED** that the Clerk of Court is kindly directed to send Plaintiff
4 a copy of this order and of the short form application to proceed *in forma pauperis* and its
5 instructions.¹

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7 DATED: March 21, 2025



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE

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¹ This form and its instructions can also be found at <https://www.nvd.uscourts.gov/court-information/forms/> under Code AO 240.